

REMARKS

Claims 1-4, 7-10, 17, 19-27 are pending with claims 1, 2, 7, 8, and 9 being independent. Claims 5, 6, 11-16, and 18 were previously cancelled, and claim 27 is new. Support for new claim 27 can be found, for example, in paragraph 97 and in FIGS. 3A-3D of the publication of this application. No new matter has been added.

Double Patenting

Claims 1-4, 7-10, 17, and 19-26 were provisionally rejected as being unpatentable over claims 1-5, 7, 10-12, 15, 16, and 22-27 of United States Patent Application No. 10/577,648 in view of United States Patent No. 3,971,710 ("Romankiw"). Particularly, the office action stated, at page 3, that "claims 1-5, 7, 10-12, 15, 16, and 22-27 of copending Application No.10/577,648 [disclose] a method of manufacturing a display device, comprising: a first step of sequentially forming a first metal film, a first oxide film, and an optical filter on a first substrate, attaching a second substrate to a surface of the optical filter with a first adhesive material such that the second substrate faces the first substrate through the optical filter, attaching a first support medium to a surface of the second substrate with a first peelable adhesive agent, and separating the first metal film from the first oxide film by a physical means; a second step of forming a layer including a pixel over a surface of a third substrate, and attaching a fourth substrate to a surface of the layer including the pixel with a second adhesive material; and a third step of attaching the first oxide film to another surface of the third substrate with a third adhesive material after the first and second steps, and removing the first peelable adhesive agent and the first support medium, wherein a metal oxide film is formed between metal film and oxide film or insulating layer by oxidizing a surface of the metal film to form the metal oxide film." Applicant asks that the provisional double patenting rejection be held in abeyance at least until all pending claims are otherwise found to be allowable.

Non-Obviousness

Claims 1, 3, 7, 10, 17, and 19-24 were rejected as being unpatentable over United States Patent No. 5,156,720 ("Rosenfeld") in view of United States Patent No. 5,096,520 ("Faris"), United States Patent No. 6,057,961 ("Allen"), United States Patent No. 6,174,578 ("Holley"),

and Romankiw. Claims 2, 4, 8, 9, 25, and 26 were rejected as being unpatentable over Rosenfeld in view of Unites States Patent No. 4,934,791 ("Shimizu"), Allen, Holley, and Romankiw.

As to claim 1, Rosenfeld fails to disclose or suggest "attaching a second substrate to the subject body by using a first adhesive material so that the second substrate faces the first substrate," "attaching a support medium to the second substrate by using a peelable adhesive agent," "separating the first substrate and the separation layer from the subject body in a region between the metal layer and the insulating layer," and "separating the support medium and the peelable adhesive agent from the second substrate." Moreover, the office action failed to set forth with particularity the portion of Rosenfeld believed to disclose these features of claim 1.

Specifically, the office action stated at page 5, that Rosenfeld discloses "attaching a material or support medium to the outer surface of the releasable films or layers with adhesive and peeling the film or layer from the valve metal layer with the separation between the valve metal layer and the metal oxide layer and the adhesive used for adhering the material." Although not specifically stated in the office action, applicant believes that the quoted portion of the office action refers to the disclosure of col. 3, lines 34-38 of Rosenfeld, and is relied on as disclosing the claimed "second substrate." The office action also stated at page 5, that "the optical films are supported on a plastic substrate, a support medium (Col 5, lines 53-57) and comprise a stack of alternating layers of dielectric material or filters, which are applied or formed on the valve metal layer (Col 5, lines 60-66), wherein the additional filters applied to the first filter satisfied the second substrate attached to the first optical filter or subject body since the first optical film on the valve metal layer is a subject body." Thus, it appears that the office action interprets an unspecified one of the layers of the multilayer film disclosed at col. 5, lines 53-57 as the recited "subject body," and interprets a second unspecified one of the layers of the multilayer film as the recited "second substrate." It also appears that the office action interprets the "polymer substrate" described at col. 6, lines 66-68 as being an "intermediate substrate" described at col. 3, lines 38-42.

Interpretation of the "second layer" of the multilayer film as the recited "second substrate" is not reasonable. Particularly, the alternating layers of SiO₂ (elements 33-37 of FIGS. 3A and 3B) are collectively described as the structure unto which the substrate 39 is laminated.

As such, none of these alternating layers is categorically different from any of the others. Selecting one of the layers as being a "second substrate" is arbitrary, and is not supported by any rationale, whether provided in the reference or otherwise provided.

Additionally, selecting an arbitrary one of the alternating layers as being the "second substrate" is also inconsistent with the description of the layers in Rosenfeld. Particularly, Rosenfeld describes the combination of all of the alternating layers as being a single "optical structure." Thus, a reasonable interpretation of the disclosure of Rosenfeld precludes construing one of the layers to be different than any of the others and precludes construing one of the layers to be something other than the single "optical structure." See col. 5, lines 60-66, for example.

Moreover, interpreting one of the layers of the multilayer film as a "second substrate" is inconsistent with the term "second substrate" as used in the specification. For example, the second substrate is described as being used "for fixing the optical filter" at page 8, line 11, and is described as being a "polarizing plate, a retardation plate, [or] a light diffusing film," at page 8, lines 25-26. None of the layers of the multilayer film of Rosenfeld satisfy these descriptions of the recited "second substrate," and, therefore, none of the layers of the multilayer film can reasonably be construed as disclosing the recited "second substrate." Notably, with respect to claim 24, at page 10 of the office action, the office action appears to recognize that the layers of the multilayer film do not disclose a second substrate that "is a polarizing plate, an elliptical polarizing plate composed of a retardation plate and a polarizing plate, a reflection film, or a light diffusing plate." Instead, the office action cited the aluminum reflector layer (element 38 of FIGS. 3A, 3B, and 4) as disclosing the second substrate as recited in claim 24.

Additionally, interpretation of the "polymer substrate" applied to the multilayer film as being an "intermediate substrate" is not reasonable. Although Rosenfeld describes coating a second substrate with the released film by attaching the a suitable material to the outside of the releasable film and then transferring the film to the second substrate from the "intermediate substrate," such a transfer process is not described with respect to the multilayer film described at cols. 5 and 6 of Rosenfeld. Particularly, Rosenfeld does not disclose or suggest removing the polymer substrate from the multilayer film. As such, the assertion in the office action that the polymer substrate of the multilayer film embodiment of Rosenfeld can be used as an

intermediate substrate, without any disclosure or suggestion of such use appearing in the reference, is improper. In order to rely on a modification of the the multilayer film embodiment of Rosenfeld, a prior art teaching and/or *prima facie* evidence that such a modification would have been obvious to one of ordinary skill in the art would be required, and is lacking in the office action.

Moreover, the polymer substrate of Rosenfeld could not be used as an intermediate substrate to transfer the multilayer film to another substrate, as proposed in the office action. As described in Rosenfeld, the Ta oxide layer, which is "inevitably transferred along with the film of the structure of interest," is present as a top layer on the transferred structure. *See* co. 5, lines 58-60. Subsequently transferring the multilayer film from the polymer substrate as proposed in the office action would locate the Ta oxide layer against the second substrate, i.e., making the Ta oxide layer a bottom layer. Thus, such a transfer of the multilayer film from the polymer substrate directly conflicts with the described structure of the multilayer film, which includes the Ta oxide layer as a top layer.

None of Faris, Allen, Holley, and Romankiw is relied on to remedy the deficiencies of Rosenfeld discussed above with respect to the second substrate and the support medium, and none of these references remedies these deficiencies. Therefore, because none of the cited references, alone or in combination, fairly discloses or suggests the features of claim 1 discussed above, the rejection of claim 1 and its dependent claims 3 and 21-24 should be withdrawn.

Additionally, the office action acknowledged that Rosenfeld fails to disclose that "the adhesive is a peelable adhesive." *See* page 7 of the office action. To remedy this deficiency of Rosenfeld, the office action cited Holley as disclosing "an adhesive layer [in which] the adhesive characteristic can be deactivated by exposure to actinic radiation such as ultraviolet light." However, the office action failed to set forth how one of ordinary skill in the art would modify the process of Rosenfeld to include the adhesive tape of Holley, or why one of ordinary skill in the art would have found such a modification to be obvious, or even desirable. For at least this additional reason, the rejection of claim 1 and its dependent claims 3 and 21-24 should be withdrawn.

Independent claim 7 recites features that are similar to the features of claim 1 discussed above. Thus, at least for reasons similar to those discussed above with respect to claim 1, reconsideration and withdrawal of the rejection of claim 7 and its dependent claims 10, 17, 19, and 20 are requested.

Independent claims 2, 8, and 9 also recite features that are similar to the features of claim 1 discussed above, and the same interpretations of Rosenfeld discussed above are relied on in rejecting claims 2, 8, and 9. Thus, at least for reasons similar to those discussed above with respect to claim 1, the rejections of claims 2, 8, and 9 and their dependent claims 4, 25, and 26 should be withdrawn.

All claims are in condition for allowance.

Payment in the amount of \$1,300.00 (\$810.00 for the requisite fee for a request for continued examination and \$490.00 for the requisite fee for a two-month extension of time) is made concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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